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Filing date: **05/05/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215576
Party	Defendant Jetpack Marketing, LLC
Correspondence Address	Jeffrey P. Thennisch INGRASSIA FISHER & LORENZ 7010 E. COCHISE ROAD SCOTTSDALE, AZ 85253 docketing@ifllaw.com
Submission	Answer
Filer's Name	Jeffrey P. Thennisch
Filer's e-mail	docketing@ifllaw.com
Signature	/JEFFREY P. THENNISCH/
Date	05/05/2014
Attachments	20140505_AnswerToNtcOpp_1580001B.pdf(91241 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AUTOMATTIC, INC.)	
)	Opposition No. 91215576
Opposer,)	
-v-)	Serial No. 85/817,071
)	
JETPACK MARKETING, INC.)	Mark: JETPACK,
)	
)	Published: September 24, 2013
Applicant.)	
_____)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Jetpack Marketing, Inc. (hereinafter “Applicant”), through its undersigned counsel, hereby files its timely Answer in response to the Notice of Opposition (“Opposition”) filed by Automattic, Inc. (“Opposer”) as follows:

1. Applicant neither admits or denies the allegation set forth in a paragraph 1, and leaves Opposer to its proofs.
2. Applicant neither admits or denies the allegation set forth in a paragraph 2, and leaves Opposer to its proofs.
3. Applicant neither admits or denies the allegation set forth in a paragraph 3, and leaves Opposer to its proofs.
4. Applicant neither admits or denies the allegation set forth in a paragraph 4, and leaves Opposer to its proofs.
5. Applicant neither admits or denies the allegation set forth in a paragraph 5, and leaves Opposer to its proofs.

6. Applicant admits the allegation set forth in a paragraph 6.
7. Applicant neither admits or denies the allegation set forth in a paragraph 7, and leaves Opposer to its proofs.
8. Applicant neither admits or denies the allegation set forth in a paragraph 8, and leaves Opposer to its proofs.
9. Applicant neither admits or denies the allegation set forth in a paragraph 9, and leaves Opposer to its proofs.
10. Applicant neither admits or denies the allegation set forth in a paragraph 10, and leaves Opposer to its proofs.
11. Applicant neither admits or denies the allegation set forth in a paragraph 11, and leaves Opposer to its proofs.
12. Applicant neither admits or denies the allegation set forth in a paragraph 12, and leaves Opposer to its proofs.
13. Applicant neither admits or denies the allegation set forth in a paragraph 13, and leaves Opposer to its proofs.
14. Applicant neither admits or denies the allegation set forth in a paragraph 14, and leaves Opposer to its proofs.

Applicant's First Affirmative Defense
No Likelihood of Confusion

15. There is no likelihood of confusion, mistake, association or deception between Applicant's Mark, JETPACK, and Opposer's asserted use of "JETPACK".

Applicant's Second Affirmative Defense
Opposer Has Not Been Damaged

16. Upon information and belief, Opposer is unable to identify any lost opportunities, damage, or harm to Opposer's Mark or other impairment of Opposer's ability to provide its goods due to Applicant's application for JETPACK. Upon information and belief, Opposer is unable to identify a specific injury suffered by Opposer due to Applicant's application for JETPACK. Accordingly, Opposer has not suffered and will not suffer in the future any loss, injury or damage due to Applicant's Mark.

Applicant's Third Affirmative Defense
Failure to State a Claim

17. Opposer's Opposition fails to state a claim upon which relief can be granted.

Applicant's Fourth Affirmative Defense
Waiver

17. Opposer's Opposition is barred by the doctrine of waiver.

Applicant's Fifth Affirmative Defense
Estoppel

18. Opposer's Opposition is barred by the doctrine of estoppel.

Applicant's Sixth Affirmative Defense
Unclean Hands

19. Opposer's Opposition is barred by the doctrine of unclean hands.

Applicant's Seventh Affirmative Defense
Laches

20. Opposer's Opposition is barred by the doctrine of laches.

Respectfully submitted,

/JEFFREY P. THENNISCH/

Jeffrey P. Thennisch

Aileen M. Shrestha

Ingrassia Fisher & Lorenz

1050 Wilshire Drive, Suite 230

Troy, MI 48084

Telephone: (480) 361-0473

jeff@ifllaw.com

ATTORNEYS FOR APPLICANT

Dated: May 5, 2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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AUTOMATTIC, INC.)	
)	Opposition No. 91215576
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Certificate Of Mailing Under TBMP 110

I hereby certify that a true and correct copy of APPLICANT'S ANSWER was filed electronically with the TTAB via www.uspto.gov on May 5, 2014.

Certificate Of Service Under TBMP 113

I hereby certify that a true and correct copy of APPLICANT'S ANSWER is being deposited with the United States Postal Service as first class mail in an envelope addressed to counsel for the Opposer:

Mary L. Shapiro
Mary L. Shapiro Law, PC
244 California Street, Suite 507
San Francisco, CA 94111-4354
UNITED STATES

Respectfully submitted,

Attorneys for Applicant

Dated: May 5, 2014

By: /JEFFREY P. THENNISCH/
Jeffrey P. Thennisch
Ingrassia Fisher & Lorenz
1050 Wilshire Drive, Suite 230
Troy, MI 48084
(480) 361-0473
jeff@ifllaw.com